

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

LUCAS HORTON §
Plaintiff, §
§
v. § CIVIL ACTION NO. 3:22-cv-01000
§
NATIONAL REPUBLICAN SENATORIAL §
COMMITTEE §
Defendant. §

DEFENDANT'S NOTICE OF REMOVAL

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1331, 1441(c), and 1446, Defendant National Republican Senatorial Committee (“Defendant” or “NRSC”), through counsel, hereby removes this action from the Dallas County Justice Court Precinct 5, Place 2 to the United States District Court for the Northern District of Texas, Dallas Division, and in support thereof shows as follows:

1. Plaintiff Lucas Horton (“Plaintiff”) commenced this action on or about April 6, 2022, by filing his Petition in the Dallas County Justice Court Precinct 5, Place 2, Case No. JS22-00133P (the “State Court Action”). A true and accurate copy of the Petition is attached hereto as Exhibit A.
2. Defendant was served on or about April 20, 2022.
3. To date, aside from the Petition, no other pleadings have been filed in the action.
4. An index of all documents filed with the state court as required by LR 81.1(a)(4)(A) is attached hereto as Exhibit B.

5. Despite Defendant’s best efforts, it has been unable to obtain the docket sheet of the State Court Action. Upon communicating with the Justice Court clerk, Defendant was informed

that there currently is not a docket for this matter as it has yet to be set for a hearing. This email communication with the clerk's office is attached hereto as Exhibit C.

6. This removal is timely filed pursuant to 28 U.S.C. § 1446(b) as it was filed within thirty days after Defendant was served.

7. The civil action Plaintiff initiated as the Justice Court Action involves allegations that he received communications from Defendant that were unlawful under the Telephone Consumer Protection Act. Plaintiff's only cause of action, although lacking even the most basic elements of a viable pleading, purports to be based solely on a federal statute. *See Exhibit A.* Defendant disputes Plaintiff's claim.

8. Pursuant to 28 U.S.C. §1441(a), this action may be removed to this Court because it is the district located in Dallas County, Texas, in which this action was pending before removal.

9. Removal is proper in this case because the Court has original jurisdiction of this action under 28 U.S.C. § 1331 as a civil action arising under the Constitution, laws, or treaties of the United States, namely the Telephone Consumer Protection Act (the "TCPA"), found at 47 U.S.C. § 227. *See Exhibit A.*

10. Defendant is the only named defendant, therefore, all defendants have joined in this removal.

11. Defendant reserves the right to amend or supplement this Notice of Removal.

12. Pursuant to 28 USC § 1446, a Notice of Filing Notice of Removal will be filed with the Clerk for the Dallas County Justice Courts, Precinct 5, Place 2, Dallas Texas, and will also be served upon the Plaintiff. A true and complete copy of the written Notice of Filing Notice of Removal to be filed and served is attached herein as Exhibit D.

13. WHEREFORE, Defendant respectfully requests that this action to be removed and that this Court assume full jurisdiction over this case as provided by law.

DATED this 4th day of May, 2022.

Respectfully submitted,

**HOLTZMAN VOGEL BARAN
JOSEFIAK & TORCHINSKY LLC**

/s/ Dallin B. Holt

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*Counsel for Defendant National Republican
Senatorial Committee*

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was served on Lucas Horton, *pro se*, on May 4, 2022 via email at:

Lukeduke365@yahoo.com

/s/ Dallin B. Holt

Dallin B. Holt